

 <p style="text-align: center;"><b>STATE OF WYOMING</b> <b>DEPARTMENT OF CORRECTIONS</b></p> <p style="text-align: center;"><b>Policies &amp; Procedures</b></p>	<p><b>Authority:</b> <b>Wyoming Statute</b> <u>25-1-105(a); 25-1-105; 7-19-101 et seq.; 16-4-201 et seq.; 7-13-409; 7-16-205; 7-13-301; 14-6-203</u> <u>ACA Standard</u> <u>2-CO-1E-06; 2-CO-1E-07; 2-CO-1E-08; 3-4020; 3-4068; 3-4096</u></p>	<p><b>Policy #</b> <u>1.009</u> <b>:</b> <b>Section</b> <u>1.0</u> <b>:</b> <b>Part</b> <u>I</u> <b>Title:</b> Release of Information</p>
<p><b>Approved:</b>  _____ Judith Uphoff /ss/ <b>Director</b>  <b>Date Approved:</b> <u>02/13/02</u></p>	<p><b>Effective Date:</b> <u>March 18, 2002</u>  <b>Supersedes Existing Policy</b> <u>A.R. #1.007, P&amp;P #1.003</u>  <b>Next Review Due:</b> <u>March 18, 2003</u></p>	

I. Purpose

The purpose of this policy is to establish protocol for release of information maintained in Wyoming Department of Corrections (WDOC) records.

II. Policy

It is the policy of the WDOC that Central Office, the Division of Prisons and the Division of Field Services shall maintain the confidentiality of privileged information and shall release such information only in accordance with statutory authority. All other records or information shall be released pursuant to this policy and the Public Records Act.

III. Definitions

- A. Certified Victim Notification Recipients: Individuals certified under the Victim Notification Program.
- B. Confidential records: Information held in confidence without disclosure to third parties, except as authorized in this policy.
- C. Copying fees: An amount of fifty cents (50¢) per page for photocopying expenses of WDOC records plus labor costs if the assigned task takes over thirty (30) minutes to complete.
- D. Criminal History Record Information: Any record maintained by the WDOC in

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

which an offender is identified, including records and information concerning arrests, detention, indictment information, pre-trial proceedings, nature and disposition of charges, sentencing, rehabilitation, incarceration, correctional supervision and release.

- E. Criminal Justice Agency: Law enforcement and investigative agencies of federal, state and local governments (for purposes of investigation, prosecuting, apprehension or tracking criminal offenses), the Wyoming Department of Family Services and out-of-state social services agencies, Wyoming and United States Attorney's General Offices, offices of federal and state prosecuting attorneys and courts, state and federal departments of corrections, probation and parole offices and parole boards, Wyoming adult community corrections facility operators and boards, the United States Department of Defense, the United States Office of Personnel Management, Federal Bureau of Prisons, and private providers of supervisory services under contract with criminal justice agencies.
- F. Director: The individual appointed by the Governor as chief administrative officer of the Wyoming Department of Corrections, pursuant to W.S. §9-2-1706.
- G. Division of Field Services Administrator: The person appointed by the Director who has full authority to act for the Director, subject to directions of the Director. This administrator is responsible for all field services operations, community corrections, and parole board operations.
- H. Division of Prisons Administrator: That person appointed by the Director who has full authority to act for the Director, subject to directions of the Director. This administrator is responsible for all prison operations.
- I. Intelligence Information: Reports of internal or external investigations relating to the operations of the WDOC and its correctional facilities and field services or relating to possible violations of law or rules by offenders or staff shall not be released to anyone except as ordered by the Director or a court. Steps shall be taken to ensure that any release of intelligence information to law enforcement officials will not result in compromise to internal security, such as disclosure of identities of confidential informants to third parties.
- J. Non-Criminal Justice Counselors and Service Providers: Therapists and counselors working directly with specific offenders pursuant to WDOC's requests and/or court orders and parole grants.

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

- K. Public records: Any recorded information maintained by the WDOC which is not confidential or privileged as defined by Wyoming Statute 16-4-201, Public Records Act, includes offender information authorized for public release.
- L. Record Subjects and Their Designee: The offender who is the subject of such information or the person or entity designated by the offender with a written, signed and notarized release of information executed by the offender.
- M. Records: Any information that is stored on paper or electronic media.
- N. Records Analyst: A designated staff member in the central office, the field services division, and each correctional facility with responsibility to review and respond to records requests pursuant to this policy.
- O. Regulatory Agencies: Includes the Wyoming Pari-Mutual Commission, Investigative and enforcement branch of the United State Social Security Administration, Internal Revenue Service, United States Office of Personnel Management.
- P. Security Information: Security procedures, defined as any WDOC or correctional facility policies, procedures, regulations or other documents, release of which would compromise agency or correctional facility security, safety or good order, shall not be released to any non-WDOC individual or agency except upon the order of the Director or a court.
- Q. Victim Services Division: The division within the Wyoming Attorney General's office, responsible for assistance and services to crime victims.
- R. WDOC Supervisors: Any department employee responsible for supervising another employee(s).

#### IV. Procedure

##### A. Authorized Releases:

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

1. Criminal justice agencies may receive criminal history records. Presentence reports may be released to criminal justice agencies unless the release of the presentence report could compromise public safety, victim security, or physical safety of named individuals as determined by the field services administrator and/or prison division administrator.
  
2. Regulatory agencies may be provided address, telephone number, and social security number, in addition to information available to the public under paragraphs IV.A.7. of this policy. Any request beyond this scope shall be referred to the Division of Field Services Administrator/Division of Prisons Administrator.
  
3. Record Subjects or Their Designees:
 

Criminal history record information, other than that contained in probation and parole files, shall be released to the offender who is the subject of such information; or to a person or entity designated by the offender, with a written, signed and witnessed release of information executed by the offender subject to the following restrictions. The following types of information shall not be released:

  - a. intelligence information;
  - b. identities of confidential informants or victims;
  - c. security information;
  - d. information provided by another agency under condition of confidentiality, including, but not limited to NCIC printouts; or
  - e. information that implicates any other correctional facility, WDOC or state concerns of security, safety and good order, or is otherwise privileged from disclosure
  
4. Court Orders:

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

Criminal history record information shall be released as ordered by a court with jurisdiction over the WDOC. The WDOC's legal staff shall be consulted prior to any such release pursuant to a court order. Court orders do not include subpoenas, subpoenas *duces tecum* or anything other than an order issued by a judge of competent jurisdiction. Subpoenas commanding testimony in cases other than revocation proceedings or records of criminal history information shall be immediately directed to WDOC's legal staff for disposition.

5. Victims Notification Recipients:

Designated criminal history record information shall be provided by the Victims Notification Program to certified recipients as outlined by the Victim Notification Program's policies and procedures.

6. Non-Criminal Justice Counselors and Service Providers:

Non-criminal justice counselors and service providers serving a criminal justice purpose as authorized by the WDOC, shall receive only that information necessary, in addition to information authorized to the general public, for them to effectively work with the offender. (This requires a signed, witnessed release of information by inmates, probationers and parolees.)

7. General Public:

WDOC may release the following information regarding any individual who is or has been committed to the supervision or custody of the WDOC, including individuals from other states under WDOC supervision or custody pursuant to an interstate compact, unless release of the information could compromise the physical safety of the individual. The information which can be released includes:

- a. Name and other identifying information: includes full name, known aliases, date of birth, but not social security number;

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

- b. Photograph and physical description: photograph or digital image if available, height, weight, eye color, hair color, scars, marks, tattoos, other distinguishing physical features;
- c. Any conviction for which the individual was committed to the supervision or custody of the WDOC: including convictions from other jurisdictions resulting in custody or supervision by WDOC. All the information in this section shall apply to offenders sentenced under W.S. 7-13-301 and 35-7-1037. However, in those cases, inform the requestor that it does not constitute a formal felony conviction;
- d. Sentencing information regarding any conviction or sentence under W.S. 7-13-301 or W.S. 35-7-1037 for which the individual was committed to the supervision or custody of the WDOC: length of sentence per judgment and sentence, judicial or parole board conditions, beginning date;
- e. Projected parole eligibility, release and discharge dates: full and projected minimum discharge dates, full and projected maximum discharge date;
- f. Current location of the individual's supervision or custody: name and geographic location of incarceration facility, state, county and town of supervision. Home address will only be released with approval of division administrator; and
- g. Date of release from the WDOC's supervision or custody.  
Unless otherwise specifically prohibited by court order, or if disclosure may be withheld under other pertinent law, the WDOC may, ten (10) years after the date of death of the record subject, release to the public any record created and maintained by the WDOC relating to an individual committed to the supervision or custody of the WDOC, except:
  - (1) records regarding the victim of the crime;
  - (2) medical, psychological and dental records of the offender;

<p><b>STATE OF WYOMING</b> <b>DEPARTMENT OF</b> <b>CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

- (3) records relating to the security of any correctional facility in which the inmate was housed during his/her incarceration; and
- (4) records relating to out-of-state placement of the inmate.

**B. Prohibited Releases:**

**1. Criminal History Records:**

Criminal history record information shall not be released, unless otherwise allowed under this policy, ordered by a court, WDOC Director or released by the record subject, to the general public, news media, the Public Defender's Office, the Victim Services Division, or any other individual, agency or entity which is not a criminal justice agency.

Any criminal history record information may be denied to any entity or individual based on individual, WDOC or public safety or security concerns.

**2. Victim Information:**

Information regarding the identities, locations or other facts regarding victims of offenders within the WDOC shall not be released to any person or agency except as outlined in the Victim Notification Program's policies and procedures.

**3. Juvenile Records:**

Records of proceedings in juvenile court may only be released pursuant to W.S. 14-6-203(g).

**4. Personnel Information:**

Personnel records of WDOC staff shall not be released to any individual or

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

entity other than the staff member, the staff member's designee upon written release of the staff member, or the duly elected and appointed officials who supervise the staff member's work.

5. Inmate Earning Records:

The amount in any inmate's inmate account shall not be disclosed to the public.

6. Medical Records:

Inmate medical records maintained by correctional facility medical providers shall be disclosed to WDOC personnel pursuant to National Commission of Correctional Health Care (NCCHC) standards and WDOC contracts with providers, including transmittal of records between correctional facilities upon inter-correctional facility transfers or referrals. Information regarding medical conditions, including contagious or infectious disease status, shall be limited to WDOC medical and administrative personnel based on a need to know, and the Department of Health as required by law.

Inmate medical records shall not be released to any non-WDOC agency or entity, other than other state Department of Corrections and contract providers for purposes of contract housing, except in case of a medical emergency or upon the written release of the record subject.

Inmates' access to their own medical records will be governed by regulations established by the medical provider in conjunction with the correctional facility warden/superintendent.

7. Intelligence and Security Information:

Reports of internal or external investigations relating to the operations of the WDOC and its correctional facilities and field services or relating to possible violations of law or rules by offenders or staff shall not be released to anyone except as ordered by the Director or a court. Steps shall be taken to ensure that any release of intelligence information to law enforcement officials will not result in compromise to internal security, such as disclosure of identities



<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

of confidential informants to third parties.

Security procedures, defined as any WDOC or correctional facility policies, procedures, regulations or other documents, release of which would compromise agency or correctional facility security, safety or good order, shall not be released to any non-WDOC individual or agency except upon the order of the Director or a court.

8. Intra-Agency Communications:

Written communications between administrators, staff or agents of the WDOC, or between attorneys of the WDOC and its administrators, staff or agents, will not be released to anyone other than an administrator, staff member or agent of the WDOC without approval of the individual who wrote the communication.

9. Other Confidentiality Requirements:

No information or records shall be released contrary to pertinent federal law or contrary to a request for confidentiality by the agency, individual or entity which provided the information or records to the WDOC. No information or records shall be released where such release would be contrary to public interest. Any request for information not defined in this policy will require review by WDOC's legal staff to determine if the information should be released.

10. Maintenance of Security:

All confidential records shall be securely maintained by authorized individuals to ensure no access by unauthorized individuals or entities.

C. Questions about Release:

A matrix showing authorized releases is attached for a quick reference; however, this policy must be consulted for detailed instructions regarding authorized and prohibited release. In any case where the authority of a requesting individual or

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

entity to receive confidential information is questionable, the matter shall be referred to the WDOC's legal staff for advice. The Director has final authority regarding questions about the release of information or records.

**D. Violations of Regulation:**

Intentional violations of the requirements of this policy will constitute grounds for disciplinary action pursuant to State Personnel Rules.

**E. Procedure for Responding to Information Requests:**

All information requests must provide sufficient information with which to identify specific offenders. Information may be requested and supplied in the following manners:

**1. Automated Information Systems:**

The WDOC may provide automated systems for public access to information authorized for release under this policy, via telephonic or internet access.

**2. In cases of general public or commercial requests for mass information in electronic data format, the records analyst will review the request and determine any fees, (i.e. staff time, media cost, etc.) and timetable of the requestor. The WDOC has the right to refuse or limit this type of request due to staff shortages and priorities.**

**3. Requests for Information, but not Documents:**

Any WDOC personnel may respond to authorized oral or written requests for information either orally, in writing, or by electronic mail. Persons responding to oral requests for information, but not documents, may require the request be submitted in writing.

**4. Requests for Documents:**

Requests by criminal justice agencies, other state agencies and offices

<p><b>STATE OF WYOMING</b> <b>DEPARTMENT OF</b> <b>CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

excluding the Public Defenders office may be made orally or in writing, and no copying fees will be assessed for documents.

5. General Public Requests:

- a. All public requests for documents are required to be in writing, shall include the name, telephone number and address of, and information sought by the requestor, and shall be directed to the records analyst.
- b. The records analyst shall determine whether the documents requested may be released.
- c. If a release by the record subject is required, the requestor will be so advised and provided a copy of the release form included with this policy for submission with their request.
- d. If the requested records are public records or otherwise may be released under this policy, the records analyst shall determine the copying expenses for the documents requested and inform the requestor that, upon receipt of the specified payment, the documents will be mailed to the requestor. Only cashier's checks or money orders are allowed and they must be made payable to WDOC. Once the payment is received, the records analyst shall copy the requested documents and mail them to the requestor. A receipt for such payment will be provided and copied, along with the payment, to the WDOC fiscal manager.

V. Training Points:

- A. What is the Criminal History Records Information Act?
- B. What records are considered public record?
- C. Requests for personnel records are reviewed by whom?
- D. What are the procedures for charging for copying fees?

<p><b>STATE OF WYOMING DEPARTMENT OF CORRECTIONS</b></p> <p><b>Policies &amp; Procedures</b></p>	<p><b>Title: Release of Information</b></p>	<p><b>Policy #</b> <u>1.009</u></p> <p><b>Section</b> <u>1.0</u></p> <p><b>Part</b> <u>I</u></p>
--	---	--

- E. What records can be released to the Wyoming Department of Family Services?
- F. What records can be released to parole boards?
- G. What records can be released to the Internal Revenue Service?
- H. What records can and cannot be released to the offender?
- I. Who can receive victim information?
- J. What information can be released to non-criminal justice counselors?
- K. What information can be released to the general public?
- L. What is the difference between public records and criminal history record information?
- M. Who can receive personnel information?
- N. When can an outside agency receive medical records?
- O. If it is questionable if a requesting individual or entity can receive requested information, who makes the final determination?
- P. What are some examples of safety reasons for denial of public dissemination of information?
- Q. When should a request for information be submitted in writing?



THE STATE

OF WYOMING

JIM GERINGER  
Governor

**Department of Corrections**  
700 West 21st Street  
Cheyenne, Wyoming 82002

JUDITH UPHOFF  
Director

**RELEASE OF CONFIDENTIAL INFORMATION**

To: \_\_\_\_\_  
Name                                      DOB                                      SSN#                                      INMATE #

In accordance with the Wyoming Department of Corrections' policy regarding release of information, you are hereby notified the following individual or entity has requested information regarding you as follows:

Requestor: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Nature of Request: \_\_\_\_\_

You are afforded the following options in order to respond to this request for information. Please check the option of your choice:

1. Waive confidentiality and allow the Wyoming Department of Corrections to respond directly to the requestor. \_\_\_\_\_
2. You choose to communicate directly with the requestor through authorized means. \_\_\_\_\_
3. You opt to maintain your confidentiality. \_\_\_\_\_

\_\_\_\_\_  
Date                                      Signature

Witnessed by: \_\_\_\_\_  
Signature                                      Date

Inmate refused to sign: "      Witnessed by: \_\_\_\_\_  
Date

WYOMING DEPARTMENT OF CORRECTIONS  
RELEASABLE INFORMATION MATRIX

Probation and Parole Files	Certified Victim Notification Program	Criminal History Records	Public Records	Offender's Address, Telephone Number and SSN	PSI	Medical	Personnel	Intra Agency Communications	See definitions in section III. of this policy.
Y	N	Y	Y	Y	Y*	N	N	N	Criminal Justice Agencies
Y**	N	N	Y	Y	N	N	N	N	Regulatory Agencies
N	N	Y**	Y	Y	Y	Y	N	N	Record Subjects or Designees
Y***	N	Y***	Y	Y***	Y***	Y***	Y***	Y***	Courts
N	Y	N	Y	N	N	N	N	N	Certified Victim Notification Recipients
Y**	N	Y*****	Y	Y*****	Y*****	Y*****	N	N	Non-Criminal Justice Counselors and Service Providers ****
N	N	N	Y	N	N	N	N	N	General Public
N	N	N	Y	N	N	N	N	N	Public Defenders Office
N	N	N	Y	N	N	N	N	N	Victim Services Division
Y	N	Y	Y	Y	Y	Y	Y	Y	WDOC Supervisors
Y	N	Y	Y	Y	Y	Y*****	N	Y	all other WDOC Staff

\* Not to be released to law enforcement agencies.

\*\* With exceptions noted in policy.

\*\*\* Only with binding judicial order.

\*\*\*\* Only with signed release from offender.

\*\*\*\*\* Pursuant to National Commission on Correctional Healthcare (NCCHC) guideline.

Note: This is a reference matrix only, read the pertinent information in this policy for further information.